

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FIRST CHOICE FEDERAL CREDIT UNION, AOD FEDERAL CREDIT UNION, TECH CREDIT UNION, VERIDIAN CREDIT UNION, SOUTH FLORIDA EDUCATIONAL FEDERAL CREDIT UNION, PREFERRED CREDIT UNION, ALCOA COMMUNITY FEDERAL CREDIT UNION, ASSOCIATED CREDIT UNION, CENTRUE BANK, ENVISTA CREDIT UNION, FIRST NBC BANK, NAVIGATOR CREDIT UNION, THE SEYMOUR BANK, FINANCIAL HORIZONS CREDIT UNION, NUSENDA CREDIT UNION, GREATER CINCINNATI CREDIT UNION, KEMBA FINANCIAL CREDIT UNION, WRIGHT-PATT CREDIT UNION, and MEMBERS CHOICE CREDIT UNION, on Behalf of Themselves and All Others Similarly Situated,

and

CREDIT UNION NATIONAL ASSOCIATION, GEORGIA CREDIT UNION AFFILIATES, INDIANA CREDIT UNION LEAGUE, MICHIGAN CREDIT UNION LEAGUE, and OHIO CREDIT UNION LEAGUE,

Plaintiffs,

v.

THE WENDY'S COMPANY, WENDY'S RESTAURANTS, LLC, and WENDY'S INTERNATIONAL, LLC,

Defendants.

Civil No. 2:16-cv-00506-NBF-MPK

**PLAINTIFFS' MOTION FOR AWARD OF
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

Plaintiffs First Choice Federal Credit Union, *et al.*, hereby respectfully move under Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure for an award of attorneys' fees, reimbursement of expenses, and approval of a Service Award for each Financial Institution Plaintiff in connection with the proposed class action Settlement entered into with Defendants The Wendy's Company, Wendy's Restaurants, LLC, and Wendy's International, LLC (collectively, "Defendants" or "Wendy's"). The Court preliminarily approved the Settlement on February 26, 2019. ECF No. 183. Contemporaneously with this motion, Plaintiffs are filing a Motion for Final Approval of the Settlement and certification of the Settlement Class under Rule 23(e).

In further support of this motion, Plaintiffs submit the accompanying memorandum of law, and the Declarations of Gary F. Lynch, Daryl F. Scott, Karen H. Riebel, Bryan L. Bleichner, Brian C. Gudmundson, Arthur Murray, Karen Halbert, James J. Pizzirusso, Charles H. Van Horn, and Jonathan L. Kudulis. For additional support, Plaintiffs refer the Court to the memorandum of law in support of the Motion for Final Approval of the Settlement, and the documents attached thereto, including the Joint Declaration of Proposed Class Counsel Gary F. Lynch and Erin Green Comite, the Declaration of Christopher D. Amundson of Analytics Consulting, LLC, and the Parties' Settlement Agreement.

WHEREFORE, Plaintiffs request that their motion be granted. A proposed final order and judgment granting the relief requested in this motion is being filed with Plaintiffs' Motion for Final Approval.

Dated: October 7, 2019

CARLSON LYNCH LLP

/s/ Gary F. Lynch

Gary F. Lynch
Jamisen A. Etzel

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**

/s/ Erin Green Comite

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Co-lead Counsel and Proposed Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Gary F. Lynch
Gary F. Lynch